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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,819	02/27/2002	Joseph Thomas O'Neil	2455-4657	6556

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EXAMINER

PEIKARI, BEHZAD

ART UNIT PAPER NUMBER

2189

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/083,819

Applicant(s)

O'NEIL, JOSEPH THOMAS

Examiner

B. James Peikari

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8, 21, 22, 24, 29-36 and 39-49 is/are rejected.  
7) ☒ Claim(s) 9-20, 23, 25-28, 37, 38 and 50-54 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/27/02 & 2/23/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Remarks***

1. The examiner wishes to thank applicant's representative, Wendy Koba (#30,509), for her time and attention given to the telephone conversations of March 9, 2005, March 14, 2005 and thereafter, to discuss invention in response to the examiner's queries regarding certain features of the claims.

### ***Specification***

2. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- \* Note: The scope of the present claims is such that they would have been obvious over a number of prior art systems. However, only one rejection is deemed necessary at this time.

4. Claims 1-8,21,22,24,29-36 and 39-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett et al., U.S. 6,369,840.

Barnett et al. teach preloading (*i.e., prefetching*) information into cache memories in response to a particular event (*the event could have been simply a request*), based on a calendar (*the event could be based on a particular time*). Note, for example, column 20, lines 45 et seq. As for the use of the word “appliance” in the claims, this is equivalent to the more common term, “device”. As for providing such data via the internet, note column 3, lines 55-58, or column 4, lines 61 et seq.

Barnett et al. teach a number of different types of data representing a broad spectrum of event types such as concerts, cultural events, weather etc., but do not specifically mention the claimed examples of airlines, cars, hotels, etc. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the claimed specific events as part of the event calendar of Barnett et al., since (1) Barnett et al. was specifically designed to provide an extremely flexible and customizable calendar for such useful events to a user (note column 3, lines 8-61), and (2) providing data regarding airlines, cars, hotels, etc. would obviously have been an efficient and time-saving tool for a user.

#### ***Allowable Subject Matter***

5. Claims 9-20, 23, 25-28, 37-38 and 50-54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Because of their particular relevance, applicant is strongly encouraged to consider each of the references listed on the attached form PTO 892 before formulating any response to this Office action.

Note, for example, Panofsky et al., U.S. 2002/0161476, paragraph [0083], which taught the invention just as plainly as Barnett et al., cited above.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Peikari whose telephone number is (571) 272-4185. The examiner is generally available between 7:00 am and 7:30 pm, EST, Monday through Wednesday, and between 5:30 am and 4:00 pm on Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached at (571) 272-4182.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2100 central hotline at (571) 272-2100.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

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(703) 746-7239 (Official communications)

or:

(703) 746-7240 (for Informal or Draft communications)

or:

(703) 746-7238 (for After-Final communications)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).



B. James Peikari  
Primary Examiner  
Art Unit 2186

5/30/05